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Letter dated 19 July 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

I have been instructed by my Government to request an urgent meeting of the Security Council to consider the intention of the United Nations Interim Administration in Kosovo (UNMIK) to take over the Metallurgical Section of the RMHK "Trepca" Shareholding Corporation in Kosovska Mitrovica, Kosovo and Metohija, the autonomous province of the Yugoslav constituent Republic of Serbia, on 20 July 2000. Over 2,000 Serbs are employed in the Section.

To ensure the execution of the takeover, UNMIK representatives threatened to use force. In explaining the intention, they stated that the takeover was to be carried out under paragraph 11 (g) of Security Council resolution 1244 (1999) of 10 June 1999, mandating UNMIK to support the reconstruction of key infrastructure and other economic reconstruction. They also stated that the question of the ownership of the RMHK "Trepca" Shareholding Corporation is exceptionally complex, that there exists a number of private entities which lay claim to the Corporation and that the question should be resolved either before an arbitration tribunal or a competent court. Furthermore, UNMIK representatives pointed out that Serbs and Albanians would be evenly represented in the new managing board.

The Federal Republic of Yugoslavia is of the opinion that the takeover of the RMHK "Trepca" Metallurgical Section is contrary to Security Council resolution 1244 (1999), which guarantees the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and provides, *ipso facto*, for the application of its laws. In addition, the takeover will have serious reverberations for the ethnic cleansing of Serbs from Kosovska Mitrovica, the only major town in Kosovo and Metohija from which they have not been completely cleansed, all the more so as the Section is the key source of income for the Serbian population of the town. Unlike the Battery Section of the RMHK "Trepca" Corporation in the southern Albanian part of Kosovska Mitrovica, out of commission since the aggression of the North Atlantic Treaty Organization (NATO) last year, the Metallurgical Section in the northern Serbian part has been in operation ever since, so that the takeover is entirely unwarranted.

Also, the takeover should be viewed against the backdrop of very questionable consequences of UNMIK similar actions carried out previously in support of "economic reconstruction". Taken over by UNMIK and managed by ethnic Albanians, the power plants in Kosovo and Metohija that used to work at full

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capacity and supplied electric power throughout the Province, even during the NATO aggression, now operate at only 10 per cent of their capacity and, as a consequence, daily power outages often last 20 hours. Evidently, the takeover of the power plants was not intended to support "economic reconstruction", but to lay off their Serbian work force, the strategy that is now employed with respect to the Metallurgical Section of the RMHK "Trepca" Corporation. After all, for ethnic Albanian separatists, the control of the Corporation has always been the symbol of the "independence" of Kosovo and Metohija.

The contention of UNMIK that the ownership of the RMHK "Trepca" Corporation is complex and unresolved is not accurate. The RMHK "Trepca" Corporation is a shareholding company with the participation of foreign capital. The ownership is not in dispute, nor is the dearth of financial resources. yet, the financial problems are only to be expected, considering that the RMHK "Trepca" Corporation was one of the principal targets of NATO bombers.

The takeover of the Metallurgical Section of the RMHK "Trepca" Corporation is fraught with many dangers. It may provoke a reaction from the Serbs of Kosovska Mitrovica and set them against UNMIK as they perceive it as a continuation of their ethnic cleansing from Kosovo and Metohija. It may thus cause larger problems and threaten their cooperation with UNMIK and destabilize the entire region.

Enclosed herewith are the conclusions of the Managing Board of the RMHK "Trepca" Shareholding Corporation (see annex). They have been considered by the Government of the Federal Republic of Yugoslavia which considered that the takeover of the RMHK "Trepca" Corporation by UNMIK would be a breach of ownership rights, the constitutions of the Federal Republic of Yugoslavia and the Republic of Serbia, as well as their positive laws, and a gross violation of Security Council resolution 1244 (1999) and internationally recognized norms of ownership relations.

I should be grateful if you would have the present letter and its enclosure circulated as a document of the Security Council.

(*Signed*) Vladislav **Jovanovic**
Chargé d'affaires a.i.

Annex to the letter dated 19 July 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

The Managing Board of RMHK "Trepca" Shareholding Corporation, at the extraordinary session held on 19 July 2000, considering the information of the Chairman of the Managing Board of RMHK "Trepca" Milos Milosavljevic on talks held in Skoplje with Mr. Solon, the assistant to the Special Representative of the Secretary-General of the United Nations, Dr. Bernard Kouchner, adopted the following:

Conclusions

1. The Managing Board categorically rejects the expressed intention of UNMIK to take over the control of RMHK "Trepca", considering that there is no basis or reason for such an action. "Trepca" is a shareholding corporation with legally elected bodies (Shareholders Assembly, Managing Board, General Director), who, in carrying out their functions, organize production and business activities of "Trepca".

Only those facilities which are under the control of the leadership of "Trepca" function in Kosovo and Metohija, while those facilities which have been taken over by KFOR and UNMIK are not functioning and are subject to destruction.

2. Any eventual forcible and illegal takeover of "Trepca" on the part of UNMIK, would lead to unforeseeable consequences for which the responsibility would be born by UNMIK and its representatives. The mere announcement of the overtaking of "Trepca" is disturbing to the population.

3. The Managing Board requests that UNMIK carry out the demand of the Shareholders Assembly of 26 August 1999 and return to the "Trepca" Works the forcibly taken over mines and facilities, so that the organization of production can be effected and the employment of people can be effectuated, regardless of their national origin.

4. The Managing Board confirms that the invitation to the members of the Albanian nationality to apply to the Works for employment in accordance with the conclusion of the Shareholders Assembly is still valid.

5. The Managing Board states, on the basis of analyses, which are daily carried out in the Institute of the Works, that the level of pollution remains within the permitted levels, about which the Managing Board of "Trepca" is particularly concerned.

It is a well-known fact that the indiscriminate bombardment of Kosovo and Metohija during the aggression of NATO, and particularly the use of prohibited weapons such as depleted uranium and cluster bombs, caused the dramatic deterioration of the health of the population of all of Kosovo and Metohija, as well as Serbia, causing an environmental catastrophe with lasting unforeseeable consequences.

Chairman of the Managing Board
Milos **Milosavljevic**